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International Charter Inc. of
Wyoming and Brian J. Boquist

UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

**DEFENSE TRAINING SYSTEMS, a Division
of ILSC Holdings, L.C., a Florida Limited
Liability Company, and KATMAI
GOVERNMENT SERVICES, LLC, an Alaska
Limited Liability Company,**

Plaintiffs,

vs.

**INTERNATIONAL CHARTER INC. OF
WYOMING, a Wyoming Corporation, and
BRIAN J. BOQUIST**

Defendants.

Case No. 3:13-cv-_____

**DEFENDANTS' NOTICE OF REMOVAL TO FEDERAL
COURT UNDER U.S.C. §1441(B) (DIVERSITY)**

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 USC §§ 1441 and 1446, Defendants
INTERNATIONAL CHARTER INC. OF WYOMING, a Wyoming Corporation, and

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Defense Training Systems, et al. v.
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Case No. _____

79948-0002/LEGAL27692428.2

BRIAN J. BOQUIST hereby remove to this Court the case now pending in the Superior Court of the State of Alaska, Third Judicial District at Anchorage as *Defense Training Systems, et al. v. International Charter Inc. of Wyoming, et al.*, Case No. 3AN-13-08145 CI. All defendants join in this removal. As grounds for removal, Defendants International Charter Inc. of Wyoming and Brain J. Boquist state as follows:

NOTICE OF REMOVAL IS TIMELY

1. On July 10, 2013, Plaintiffs Defense Training Systems, a Division of ILSC Holdings, L.C., a Florida Limited Liability Company (“DTS”) and Katmai Government Services, LLC, an Alaska Limited Liability Company (“KGS”) filed a complaint in this action now pending in Superior Court of the State of Alaska for the Third Judicial District at Anchorage against Defendants International Charter Inc. of Wyoming, a Wyoming Corporation (“ICI Wyoming”) and Brian Boquist (“Boquist”), Case No. 3AN-13-8145 CI. Pursuant to 28 USC §1446(a), all state court papers served on at least defendant Boquist at the time of removal, consisting of the summons, entry of appearance as co-counsel, complaint for damages, and demand for trial by jury, are attached as collectively as Exhibit 1.

2. This Notice of Removal is timely filed under 28 USC §1446(b), which provides that a notice of removal must be filed within 30 days after a defendant receives, by service or otherwise, the initial pleading.

3. The first date upon which defendants received a copy of the initial pleading was August 12, 2013, when a copy of the Complaint and a Summons was apparently delivered to defendant ICI Wyoming via certified mail. Plaintiffs’ records are unclear as to the date of delivery and they have represented that a copy of the Summons and Complaint were delivered on August 9, 2013. Defendant Boquist was served a copy of the Complaint and Summons on

Saturday, August 17, 2013. Therefore, whether the earliest date of service on a defendant was on or after August 9, 2013, this Notice of Removal is timely filed.

4. No further proceedings have been had in the Third Judicial District at Anchorage, Alaska, as of the date of filing of this Notice of Removal.

DIVERSITY JURISDICTION EXISTS

5. This is a civil action over which this court has original jurisdiction pursuant to 28 USC §1332. This action may be removed pursuant to 28 USC §1441(b) because the action involves a controversy between citizens of different states; none of the properly joined defendants is a citizen of Alaska; and the amount in controversy exceeds \$75,000, exclusive of interest and costs, because plaintiffs allege they have suffered in excess of \$100,000 in damages. Ex. 1 at 5 (Compl. ¶ 5).

6. Complete diversity of citizenship exists because no defendant is a citizen of Alaska, the state in which the action is pending, or of plaintiffs' states of citizenship: Plaintiff KGS is a citizen of Alaska for diversity purposes, because KGS's sole member is Ouzinkie Native Corporation, a business corporation under the laws of Alaska and having its principal place of business in Alaska; Plaintiff DTS is citizen of Alaska and Florida for diversity purposes, because DTS is a division of a limited liability company (ILSC L.C.) whose members are citizens of Alaska and Florida. Defendant ICI Wyoming is a corporation under the laws of Wyoming with its principal place of business in Oregon; and defendant Boquist is an individual and citizen of Oregon.

REMOVAL TO THIS DISTRICT IS PROPER

7. Pursuant to 28 USC §§ 1332, 1441, and 1446, removal of the above-captioned state court action to this court is appropriate.

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8. Pursuant to 28 USC §1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

9. Defendants are providing to the plaintiffs, through their lawyers, written notice of the filing of this Notice of Removal. Furthermore, defendants are filing a copy of this Notice of Removal with the Clerk of the Superior Court of the Third Judicial District at Anchorage, Alaska, where the action is currently pending.

DATED this 4th day of September, 2013.

PERKINS COIE LLP

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Attorneys for Defendants, International Charter
Inc. of Wyoming and Brian J. Boquist

CERTIFICATE OF SERVICE

I certify that on September 4, 2013, I served or caused to be served a true and complete copy of the foregoing **DEFENDANTS' NOTICE OF REMOVAL TO FEDERAL COURT UNDER U.S.C. §1441(B) (DIVERSITY)** on the parties listed below as follows:

- ☐ Via CM / ECF Filing
- ☒ Via First Class Mail, Postage Prepaid
- ☐ Via Email
- ☐ Via Personal Delivery

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